

***Remarks***

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-7, 9, 11, 13-19 and 28-41 are pending in the application, with claims 1, 13, 32, 34, 36 and 38 being the independent claims. Of these claims, claims 6-7 and 13-19 have been withdrawn from consideration as being directed to a non-elected invention. By the foregoing amendment, claims 20-27 are sought to be cancelled without prejudice to or disclaimer of the subject matter therein. New claims 38-41 are sought to be added. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

***Rejections under 35 U.S.C. § 103***

In the Office Action, the Examiner has rejected claims 1-5, 9 and 30-37 under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 4,320,699 to Binks in view of U.S. Patent No. 3,549,451 to Kugler. In addition, the Examiner has rejected Claims 11, 28 and 29 under 35 U.S.C. § 103 as being unpatentable over Binks in view of Kugler and further in view of a product brochure from M&Q Plastic Products, Inc. Finally, the Examiner has rejected Claims 1-5, 9, 11 and 28-37 under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 2,542,413 to Ibsch, Jr., or U.S. Patent No. 4,828,134 to Ferlanti in view of

Kugler, and the M&Q Plastic Products brochure. Applicant respectfully traverses these rejections and request that they be reconsidered and withdrawn.

The claimed invention is a pan liner system that includes a pan and a drop-in polymeric pan liner. The pan liner has a contour fit and is made from a material that allows it to withstand cooking temperatures. This makes the pan liner inexpensive to manufacture, simple to use, and disposable. In addition to the art cited by the Examiner, Applicant directs the Examiner's attention to the present patent application at page 2, lines 26-31, and page 3, lines 1-19, where additional art is discussed. Specifically, the application discloses a conventional drop-in polymeric pan liner with a flat (i.e., non-contour fit) bottom. This conventional pan liner is bag-shaped and disposable. However, a shortcoming of this conventional liner is that the bag shape creates pockets in the bottom corners. These pockets trap food and result in wasted food. This problem is exacerbated in large shallow cooking pans. In the case of a large, shallow cooking pan, the bag corners are quite large and can trap several portions of food. The present invention provides an elegant solution to this problem without requiring complex, manufactured structures.

The art cited by the Examiner does not address this problem solved by the invention. The layered or laminated cooking vessels disclosed by Ibsch and Ferlanti are irrelevant to the problems encountered by a bag-shaped pan liner. The same analysis applies to Binks. Binks discloses a teflon cooking sheet that may be used to line a pan. However, Binks is not bag-shaped, and does not disclose or suggest a solution to the problems encountered with a bag-shaped pan liner.

In the Office Action, the Examiner has essentially asserted that it would be obvious to combine the teachings of one or more of these references with the plastic bag

manufacturing techniques taught by Kugler. Applicant respectfully disagrees with the Examiner's position. There is no suggestion in Kugler or any of the other cited references for making such a combination. In fact, none of these references even suggests the problem solved by the present invention. Absent identification of such a problem, why would a person skilled in the art look to Kugler for a solution to a problem that has not been identified? The answer is that a person skilled in the art would not. It is only through hindsight reconstruction, using Applicant's own disclosure as a blueprint, that the Examiner is able to pick and choose features from the prior art in an attempt to produce the claimed invention. Such hindsight reconstruction is inappropriate.

In support of Applicant's position, the Examiner is referred to a Declaration Under 37 C.F.R. § 1.132 enclosed with this Reply. This Declaration of Michael Handley rebuts the Examiner's alleged prima facie case of obviousness. The Declaration makes it clear that the claimed invention as recited in independent Claims 1, 32, 34 and 36 would not have been obvious to a person of ordinary skill in the art in view of the cited references. Applicant respectfully requests that the Examiner consider this Declaration, and that he reconsider and withdraw these rejections.

### ***New Claims***

New Claims 38-41 also recite the contour fit pan liner of the invention. Accordingly, these new claims are also patentable over the cited references. Favorable consideration and allowance of these claims are respectfully requested.

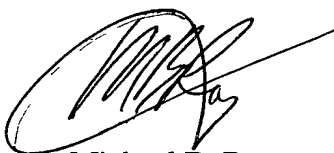
### ***Conclusion***

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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**Version with markings to show changes made**

***In the Specification:***

The paragraph beginning on page 11, line 28, has been amended as follows:

Referring back to Figures 1 through 6, the pan liner system 2 includes a removable, flexible, high temperature, plastic liner 20 that is disposed within the pan 3 to cover an interior surface 12 of the pan 3. The pan [liners] liner 20 is provided to keep food separate from the interior surfaces 12 of the pan 3 thereby improving food safety and quality, enhancing flavor and juiciness of foods, minimizing clean up time, pan washing and resource consumption, reducing shrinkage by allowing left over food to be removed from the pan and saved in the liner for further use, etc. Pan liner 20 can be used in food preparation, cooking, and holding to prevent food from “baking-on” and “burning-on” to the pan surface.

The paragraph beginning on page 13, line 7, has been amended as follows:

Figures 8A, 8B, and 9 show the bottom contoured edge 24 having a flat bottom edge 33 and one or more contoured or shaped edges 34. Each contoured edge 34 extends outward and upward from the flat bottom edge 33 and joins and merges an opposite end of the flat bottom edge 33 with one or more of the side wall edges 30. As shown, the liner 20 is formed having two side walls 26 that can be sealed or joined together using conventional techniques thus forming [on] one or more sealed side wall edges 30. The closed bottom end 22 can be closed by using conventional techniques, such as for example, sealing, bonding, adhesion, or the

like. For example, the entire contoured bottom edge 24 can be formed by a conventional sealing technique, or preferably, the flat bottom edge 33 can be formed by folding over a single flat sheet of plastic material such that the folded edge forms the flat bottom edge 33. The contoured edges 34 can then be closed using conventional sealing or bonding techniques.

The paragraph beginning on page 13, line 29, has been amended as follows:

Figure 9 shows the contoured bottom edge 24 having a flat bottom edge 33 and one or more contoured or shaped edges 34, wherein the contoured edges 34 include one or more rounded or curved edges. Each rounded or curved edge 34 extends outward and upward from the flat bottom edge 33 and joins and merges an opposite end of the flat bottom edge 33 with one or more of the side wall edges 30. The rounded edges 34 form a radius R from a point within [in] the food holding vessel 31 of the contour fit liner 20. The radius R is predetermined and can vary based on the particular application and the shape and size of the pan that the contour fit liner will be used in.

The paragraph beginning on page 15, line 10, has been amended as follows:

Referring back to Figure 7, shown are standard pan sizes for rectangular shaped pans 3 used in industrial and commercial kitchens and corresponding exemplary pan liner sizes that can be used with the present invention. As can be seen from Figure 7, the pan liners are generously [sizes] sized in comparison to the corresponding pan size. This ensures adequate coverage of the pan receptacle and

also provides excess liner material proximate the open top end of the liner. This excess liner material 32 at the top end 23 can be folded outwardly over the top edge 7 and flange 9 of pan 3 such that the excess material 32 skirts the exterior surface 13 of the pan 3, as shown in Figures 1 and 3.

The paragraph beginning on page 15, line 18, has been amended as follows:

The liner material is preferably suitable for continuous service under various conditions and preferably has the following characteristics: suitable for temperature conditions ranging from about -100°F to about +400°F; has a good thermal heat transfer rate; has a tensile strength capable of withstanding approximately 13,000 psi without orientation; has a tear strength capable of holding up to about 50 grams/liter; has a tabor strength capable of sustaining about 1000 cycles tested with a load of about 500 grams; has a chemical resistance to most chemicals, such as mineral acids, phenols and concentrated formic acid; has a bacterial and mold resistance making it rotproof and resistant to molds and impermeable to micro-organisms; acts as an odor barrier to most odors; has a grease and oil resistance having an oil-barrier properties effective against animal, vegetable, and mineral oils and fats; allows some moisture-vapor transmission at raised temperatures; is gas [permeability] impermeable which makes the liner well suited for packaging under nitrogen, carbon dioxide, or vacuum, and is resistant to oxygen permeation which reduces fogging in frozen foods and helps extend shelf-life; is non-scalping (e.g., no flavor loss); and will not block (e.g., will not stick together). The contour fit pan liner is safe to use

in most conventional cooking devices, such as ovens, microwaves, slow cookers, steamers, flat-tops, crock pots, pressure cookers, and the like.

***In the Claims:***

Claims 20-27 have been deleted.

New claims 38-41 have been added.